

have been very consistent—myself included—to say: This is not the time to have a Supreme Court Justice go through the nomination process. In the hours after Justice Scalia passed away, we made it very clear so that any nominee who went through the process, regardless of who they were, would know in advance this: You will not move to a hearing because it is not the right time. Of our two-part test—Is this the right time? Is this the right person?—the first part is not complete. It is not the right time. So this nominee will not move at all throughout this entire year, and everyone knew that in advance.

So I understand Republicans have talked about the first test on that, the priority of “is this the right time?” Democrats have focused on “is this the right person?” They have focused on Judge Garland as the nominee. They want to be able to raise and talk about his profile, and I get the politics of that. But it is just the politics of it. We would expect that banter back and forth on the politics, but this is a settled issue among Republicans. He will not move through the nomination process.

But we hit a new low today on this floor, and I had to come and address it. Today, this moved from a conversation about whether this is the right time and whether this is the right person to drawing in the memory of the 168 lives that were lost in Oklahoma City 21 years ago today—April 19, 1995. It was the worst act of terrorism at that time on American soil, carried out by another American, killing 168 people at the Murrah Federal Building in Oklahoma City. A Ryder truck loaded with fertilizer and diesel pulled up to the front and blew it up, killing 168.

Timothy McVeigh carried that out. He got into his Ford and drove north to leave out of the State. But 90 minutes later—90 minutes later—Trooper Charlie Hanger, who was just doing his job, saw a vehicle on I-35 without a license plate on it, pulled him over, found out he also had a weapon on him, and put him in jail to be able to hold him. Trooper Charlie Hanger, doing his job, actually arrested the person who had killed 168 people just 90 minutes before, not knowing it.

Local law enforcement and individuals quickly went through the debris trying to find individuals to save and evidence to be able to identify who this was. Within a few hours, they found the axle of the Ryder truck. They called the rental company. They identified it. They did a composite sketch, and they figured out within hours who this might be—a guy named Timothy McVeigh. Running a search on him, they figured out he was already in jail. He had been picked up by Trooper Charlie Hanger. Before he was released—because he was in the process of being released—they were able to hold him and unwind a horrific crime. It was incredible local law enforcement. It was an incredible task that happened.

Within 40 hours of that event occurring, a gentleman named Merrick Garland had come from DC, where he worked for the Department of Justice, to Oklahoma City to help on the Federal side of the prosecution, along with thousands of other people from around the country. Our State and our city was overwhelmed with the compassion of people around the country as we saw what happened, and Merrick Garland was one of those. We are grateful as a community for what he did in the prosecution of Timothy McVeigh, what he did against Terry Nichols, and what he did against Michael Fortier. We are grateful for his work there.

But today, on the floor of this Senate, the implication was laid out twofold. One is that, since Judge Garland served the country and did that, he deserves something else. I have never met Judge Garland. I will meet him next week and, quite frankly, look him in the face and say: Thank you for your service to Oklahoma.

To make clear again the same position before, there will be no nomination this year. He does deserve our gratitude. He doesn't deserve a lifetime appointment onto the bench because of his faithful service to our country and to our community as is being alluded to.

The politics of it really, really deeply struck me as an Oklahoman—that for some reason, today, of all days, the tragedy that happened to 168 people and their death 21 years ago suddenly became paraded out here as a political prop. One of the Senators was even standing with a picture of a dead child behind him like she is a prop. This child is not a prop for politics. She has a name. She was identified as a toddler. She was 1 year and 1 day old. She was killed in the Murrah Building the day after her 1-year birthday. She is not some random toddler. Her name is Baylee, and she is not to be used as a prop for politics in the Supreme Court nomination process.

It is absolutely fair game to talk about the record of Judge Garland and what he has done. We are grateful as Oklahomans for his service to our State and to our Nation to put away those awful terrorists. But to use a child who was killed in the Murrah Building bombing as a prop so far exceeds the line that I had to come and speak about it and say that I am absolutely offended—and I should be.

So it was 21 years ago today. We remember. It is a statement that comes up to Oklahomans over and over: We remember. We remember the victims. We remember the survivors. We remember the first responders. We remember the thousands of people who came from across the country to help us. We remember, and we will continue to remember. But don't do politics with the life and death of the children and adults in Oklahoma City. Let's keep this where it should be. We could have the debate about process. Do not draw this in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

#### NOMINATION OF MICHAEL MISSAL

Mr. JOHNSON. Mr. President, I rise today to urge my colleagues to confirm Michael Missal, the nominee for the Department of Veterans Affairs inspector general.

For far too long, our Nation's veterans have been without a permanent watchdog in place to ensure the VA affords them the care that they deserve.

I have seen the damage that acting leadership in the VA Office of Inspector General has done in my own State of Wisconsin. Numerous veterans of the Tomah VA facility suffered for years through dangerous prescription practices, whistleblower retaliation, and a culture of fear. The VA Office of Inspector General, under acting leadership, conducted a multiyear investigation of the Tomah VA facility but then swept the allegations under the rug—the secret report that was hidden from veterans, the public, and Congress.

Months after the report was finalized and closed, Jason Simcakoski, a 35-year-old Marine Corps veteran, died of a lethal cocktail of over a dozen different drugs at the Tomah VA facility.

Another Wisconsin veteran, Thomas Behr, died after being treated at the Tomah VA facility. Mr. Behr's daughter Candace told me that had she known about the inspector general's report, she never would have taken her father to the facility and he might be alive today.

In other words, had the VA Office of Inspector General been transparent and published the findings of its investigation, these tragic outcomes could very well have been avoided.

Under acting leadership, the VA Office of Inspector General has tried to stonewall my investigation into the tragedies at Tomah VA medical facility. Its actions have shown that, under acting leadership, the VA Office of Inspector General has become too close to the VA, the agency it is charged with overseeing. The acting leadership lacked the fundamental tenets of transparency and accountability that all inspectors general should have that could literally mean the difference between life and death.

I was forced to resort to a subpoena to obtain the information about the investigation of the Tomah VA Office of Inspector General, and there are still some documents the acting leadership has refused to produce. For over a year, I have urged President Obama to appoint a permanent VA inspector general. I was pleased that President Obama finally heeded my calls—and, quite honestly, the calls of many of my colleagues—when he nominated Michael Missal to the position late last year. My committee, the Senate Committee on Homeland Security and Governmental Affairs, moved his nomination after carefully considering his

qualifications, and we reported him out to the full Senate immediately.

I am hopeful that under Mr. Missal's leadership, the VA Office of Inspector General will restore veterans' trust in the inspector general's office, protect VA whistleblowers, and forge a new relationship with Congress, but above all else, I hope Mr. Missal will use his position to help ensure the finest among us receives the high-quality care they deserve.

I am confident Mr. Missal is up to the task, and I thank him for agreeing to serve in this supporting role.

---

#### EXECUTIVE SESSION

---

#### EXECUTIVE CALENDAR

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 448 only, with no other executive business in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Michael Joseph Missal, of Maryland, to be Inspector General, Department of Veterans Affairs.

Thereupon, the Senate proceeded to consider the nomination.

Mr. JOHNSON. Mr. President, I know of no further debate on the nomination.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Missal nomination?

The nomination was confirmed.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

---

#### FEDERAL AVIATION ADMINISTRATION ACT OF 2016

Mr. LEAHY. Mr. President, after months of debate and piecemeal short-term reauthorizations, the Senate has finally approved a comprehensive reauthorization of the Federal Aviation Administration, FAA, that will improve the safety and efficiency of our Nation's airline transportation system. The Federal Aviation Administration Act of 2016 will not only make airline travel safer and more efficient, it will also strengthen our economy by creating jobs and supporting those who rely on the benefits of airline transpor-

tation, day to day. From protecting the rights and safety of airline employees, to ensuring the needs of passengers with disabilities are recognized and upheld, this legislation takes necessary steps to improve travel experiences for all Americans.

I am especially pleased that the Federal Aviation Administration Act includes a number of policies that will benefit Vermont's airports, including the preservation of the Essential Air Service program, an important source of support for the Rutland-Southern Vermont Regional Airport. The bill also increases Airport Improvement Program funding, which is essential to the expansion and improvements of airports in Vermont and across the country. Also importantly, the bill will not privatize the Air Traffic Control System.

As the opportunities and challenges associated with new technology continue to evolve—both in NextGen implementation and use of drones—it is important that safety remains a top priority. This FAA reauthorization bill takes steps to address the safety and privacy concerns related to the widespread proliferation of unmanned aircraft within our domestic airspace. The legislation adds several provisions to increase safety by adding new technical and operational standards. For example, the bill requires the FAA and government agencies to collaborate with industry stakeholders to develop guidelines and procedures to ensure the safe integration of drones into the national airspace. I was also pleased that the bill addresses certain privacy concerns about the use of drones by requiring the FAA to establish a publicly accessible website containing information about commercial and government drone operations, the type of information those drones will collect, and how that information will be used. While the drone-related provisions in the bill are an improvement from the status quo, I believe that we must do more to ensure that safety and privacy safeguards are improved.

In Vermont, our airports are essential to a strong economy. They facilitate both tourism and commerce, and they are a source of economic growth for our communities. I am disappointed that, despite support from 99 other Senators, the objections of just one Senator prevented the passage of an amendment that would further facilitate travel and commerce between the United States and Canada, our largest trading partner. Expanding U.S. preclearance operations in Canada not only improves the travel experience for Americans traveling back and forth between Canada, but encourages neighbors to the north to visit the United States and infuses our economies through tourism and commerce. Importantly, it also furthers our national security. I will be looking for opportunities to advance this legislation moving forward.

The Federal Aviation Administration Act represents a strong step forward in

keeping the U.S. airspace as the safest and most efficient in the world. I hope that, as the House takes up this important legislation, they will maintain the carefully balanced proposals included in the Senate bill.

Mrs. BOXER. Mr. President, I voted no on final passage of the FAA reauthorization bill because I was unable to offer my amendment to ensure that cargo pilots have the same rest and duty rules as passenger pilots.

Not only was I unable to secure a vote on my amendment, my offer to modify my amendment into a study by the National Transportation Safety Board was objected to by the other side. We should ensure that all pilots, whether they fly people or goods, have the same opportunities for rest. As this bill has many safety implications for our aviation system, I am very disappointed that my amendment did not receive consideration in the Senate.

However, I would like to thank the Senate Commerce Committee for their hard work on this bill, which includes many safety improvements, helpful consumer protections, and enhancements to airport security. I am particularly pleased that the bill includes a provision to ban the use of electronic cigarettes on board aircraft that I had asked to be included in this bill.

Mr. BOOKER. Mr. President, today the Senate approved legislation to reauthorize the Federal Aviation Administration—FAA—for 18 months. I applaud the work of my colleagues, Senators THUNE and NELSON, and their staff who worked tirelessly to get this important legislation over the finish line. I hope leaders in the House of Representatives see what we passed here in the Senate and ensure smooth passage of the bill. This legislation truly represents bipartisan compromise. While it takes important steps forward, more work remains to be done to ensure the United States remains a global leader in aviation, safety, and innovation.

This legislation advanced many key priorities that I was proud to fight for. Aviation is a critical means of travel for people in my State and across the country, and I am confident that this legislation takes strides to improve the status quo for travelers.

I worked to advance provisions that help improve accessibility for persons with disabilities traveling through our Nation's commercial air system. The increased and improved data collected as a result of this legislation and the new advisory committee put in place will help fuel effective policies that enhance the traveling experience for persons with disabilities and remove barriers to accessibility.

The legislation will help improve the use of disadvantaged business enterprises in aviation infrastructure. I authored an amendment to align the size standard used by the Department of Transportation—DOT—to identify small businesses, with the metric used